IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.04.2006

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THE HON'BLE MR. JUSTICE N. PAUL VASANTHAKUMAR

W.P.No.5970 of 2006 and
W.P.M.P.No.6453 of 2006

S. Gandhi .. Petitioner

vs

1. The State of Tamil Nadu rep., by
its Secretary to Government,
Revenue Department, Secretariat,
Chennai-9.

2. The Special Commissioner &
Commissioner of Revenue Administration,
Chepauk, Chennai-5. .. Respondents

Petition filed under Article 226 of the Constitution of India, praying this Court for the issue of a Writ of Certiorari calling for the records pertaining to the order passed by the 2nd respondent in his proceedings No.Ser.II (1) 5522/99 dated 21.04.2000 and quash the same.

For Petitioner ... Mr. C. Selvaraju, SC for M/s.S.Mani
For respondents ... Mrs.D. Malarvizhi, GA

ORDER

The prayer in this writ petition is to quash the order dated 21.04.2000 passed by the second respondent.

2. The brief facts necessary for the disposal of this writ petition is that the petitioner was issued a charge memo on 21.04.2000 for the alleged lapses said to have been taken place in the year 1996. In the year 1996, when the petitioner was working as Special Tahsildar (Adi Dravidar Welfare) at Kangeyam, the said charge memo was issued alleging four charges, namely,

"Charge No.1:

That Thiru.S.Gandhi, formerly Special Tahsildar (ADW) recommended fixation of land value based on documents which were intentionally created for fixing

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exorbitant and inflated value in the following cases, against the instructions issued in G.O.Ms.No.146 Adi Dravidar Tribal Welfare Department, dated 14.08.1995.

Sl.No	Name of the Taluk	Village	S.F.No	Extent proposed for P.N.	S.T.S. File No. & Date
1	2	3	4	5	6
1.	Dharapuram	Bommanallur	216/1	2.04.0 Hect.	LA 5/996 A 12.07.1996

Sl.No	Collr's. File No.	Doc. No. & Date	Value of the proposal for private purchase	Stamp Duty to be paid at the time filing Suit for cancellation of doc. (Rs.)
	7	8	9	10
1	53318/96	2023/98 19.08.98	7,81,200	58,590
		Total	7,81,200	58,590

Charge No.2:

That be failed to enquire and verify the genuineness of beneficiaries on or before the date of proposals in respect of the above cases, in violation of the instructions issued in Commissioner of Land Administration's Lr.No.I-1/2306/93 dated 26.04.93.

Charge No.3:

That he is responsible for an unnecessary expenditure of Rs.7,81,200/- by way of deposit in the court in respect of the document No.2023/98 dated 19.08.98.

Charge No.4:

That he is responsible for incurring an unnecessary expenditure of Rs.58,590/- towards Court Fee for the Civil Suits proposed to be filed for cancellation of the document and thus by his act loss of revenue mounting to Rs.58,590/- was caused to Government."

3. The learned counsel for the petitioner submitted that an enquiry was conducted for the said charges and the Enquiry Officer found that none of the charges against the petitioner are proved.

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The Enquiry Officer's report is dated 21.08.2001. The learned counsel for the petitioner further submitted that the Disciplinary Authority differed with the findings of the Enquiry Officer and directed the petitioner to submit his explanation and the same was also furnished on 27.12.2005 and no order is passed by the first respondent till date. The petitioner, therefore, filed a writ petition in W.P.No.39773/2005 before this Court and prayed for a direction to the respondents to consider and pass orders on the disciplinary proceedings against the petitioner in the charge memo dated 21.04.2000 issued by the second respondent. This Court, by order dated 13.12.2005, directed the first respondent to consider the representation of the petitioner dated 30.04.2004 and pass orders thereon, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of the order.

4. The learned counsel for the petitioner submits that the said order copy was enclosed on 27.12.2005 followed by a reminder dated 11.01.2006 and till date no order is passed by the first respondent in terms of the earlier directions given. The learned counsel further submits that the petitioner retired on 28.02.2006 and due to the pendency of the disciplinary proceedings, he is unable to get his terminal benefits. The learned counsel cited a Judgment of this Court made in W.P.No.3538 & 3539 of 2006 dated 27.02.2006, wherein this Court considered a similar issue with regard to the non-compliance of the directions given to complete the disciplinary proceedings and ultimately, this Court fixed a further time limit upto 31.03.2006 to pass final orders and if no orders are passed, it is deemed that the charges levelled against the petitioner are dropped and the petitioner is exonerated. The learned counsel for the petitioner, citing the said Judgment, requested this Court to pass similar order, fixing a time limit.

5. Taking into consideration of the above aspects i.e., the date of the charge memo, the completion of enquiry and the submission of explanation and taking note of the earlier order of this Court passed in the very same petitioner's case on 13.12.2005, I am of the view that in the interest of the justice, a direction is given to the first respondent to pass orders one way or the other, on or before 15.05.2006 and if the time limit given to pass orders is not complied with, the charge memo leveled against the petitioner in the impugned charge memo shall be treated as dropped and the petitioner is exonerated from the charges fully and the disciplinary proceedings initiated in this respect is lapsed.

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6. The writ petition is ordered in the above terms. No costs. Consequently, connected W.P.M.P. is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

ap

To

1. The Secretary to Government,
   Revenue Department,
   The State of Tamil Nadu,Secretariat, Chennai-9.

2. The Special Commissioner &
   Commissioner of Revenue Administration,
   Chepauk, Chennai-5.

+1cc to MR.S.Mani, Advocate Sr 16565
+1cc to Govt. Pleader Sr 16543

KG (CO)
km/20.4.

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